

STATEMENT OF BASIS (AI No. 43634)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0083721 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Trinity Marine Products, Inc.
Plant No. 48
P.O. Box 108
Port Allen, LA 70767

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services (Office)
P.O. Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Gene Jarreau

DATE PREPARED: February 1, 2010

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of an Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits – LA0083721
LPDES permit effective date: February 1, 2004
LPDES permit modification date issued: January 28, 2005
LPDES permit expiration date: January 31, 2009

LAR05M050 Reauthorization
LPDES permit reauthorization effective date: May 23, 2006
LPDES permit reauthorization expiration date: April 30, 2011

D. Date Application Received: August 4, 2008.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY – storage vessel manufacturing facility**

Trinity Marine Products, Inc., Plant No. 48, is an existing storage vessel manufacturing facility. This facility fabricates open top inland barges. Activities include the cutting, welding, shaping, and surface coating of steel plate. Facility discharges of treated sanitary wastewater, air compressor condensate, and cutting torch curtain and cooling water are included in this individual permit. Stormwater discharges are covered by the Multi-Sector Storm Water General Permit authorization LAR05M050.

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B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I (Reduced from IV by use of the Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 or 3732.)
3. Wastewater Type: III
4. SIC code: 3731

C. LOCATION - 7555 Choctaw Road in Brusly, West Baton Rouge Parish
Latitude 30° 23' 14", Longitude 91° 19' 11"

3. OUTFALL INFORMATION

Outfall 002

Discharge Type: the intermittent discharge of treated sanitary wastewater from the north machine shop / training center
Treatment: mechanical; clarification; chlorination
Location: monitored at the point of discharge from the sewer treatment plant, located at the north end of the slip, prior to mixing with other waters
Flow: 720 GPD (intermittent)
Discharge Route: by pipe into the Intracoastal Waterway

Outfall 003

Discharge Type: the intermittent discharge of treated sanitary wastewater from the machine shop / construction area, and air compressor condensate
Treatment: mechanical; clarification; chlorination
Location: monitored at the point of discharge from the sewer treatment plant, located at the south end of the property, prior to mixing with other waters
Flow: 2,592 GPD (intermittent)
Discharge Route: by pipe into the Intracoastal Waterway

Outfall 004

Discharge Type: the intermittent discharge of cutting torch curtain and cooling water
Treatment: none
Location: monitored at the point of discharge from the north end of the pre-fabrication shop, located at the south end of the slip, prior to mixing with other waters
Flow: 664 GPD (intermittent)
Discharge Route: by pipe into the Intracoastal Waterway

4. RECEIVING WATERS

STREAM - Intracoastal Waterway

BASIN AND SEGMENT - Terrebonne Basin, Segment 120109

DESIGNATED USES -
a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. drinking water supply

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5. TMDL STATUS

Subsegment 120109, Intracoastal Waterway – from Port Allen Locks to Bayou Sorrel Locks, is listed on LDEQ's Final 2006 303(d) list as impaired for sulfates (EPA – Category 5). Although TMDLs for the Terrebonne Basin were due to be completed by March 31, 2008, a TMDL has not yet been developed for sulfates for this waterbody. A TMDL will be scheduled following completion of the EPA Consent Decree TMDL schedule. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a future TMDL.

For sulfates:

Until TMDLs are completed for the Terrebonne Basin, those suspected causes for impairment which are not directly attributed to the Ship Building and Repairing SIC Code have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

Subsegment 120109 was previously listed as impaired for dissolved oxygen, nutrients, and fecal coliform, for which the below TMDLs have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 120109:

TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for selected subsegments in the Terrebonne Basin (effective April 19, 2007)

For fecal coliform:

This facility was one of the facilities assigned waste load allocations (WLAs) in this TMDL. The TMDL established load limitations for fecal coliform with the goal of reducing this pollutant. WLAs include the imposition of a 400 colonies/100 mL Fecal Coliform Daily Maximum limit for Outfall 002. For Outfall 003, WLAs include the imposition of a 400 colonies/100 mL Fecal Coliform Daily Maximum limit and a 200 colonies/100 mL Fecal Coliform Monthly Average limit.

This TMDL only applies to fecal coliform for this subsegment, and not the other pollutants listed.

Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008)

For dissolved oxygen and nutrients:

This facility was one of the facilities assigned waste load allocations (WLAs) in this TMDL. The TMDL established load limitations for oxygen-demanding substances with a goal for reducing those pollutants. When oxygen-demanding substances are controlled and limited to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. WLAs include the imposition of 45 mg/L BOD Daily Maximum, 15.0 mg/L Ammonia-Nitrogen Daily Maximum, and 7.5 mg/L Total Organic Nitrogen Daily Maximum limits for Outfalls 002 and 003.

This TMDL only applies to dissolved oxygen and nutrients for this subsegment, and not the other pollutants listed.

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Federal regulations under 40 CFR 130.7 require the State to incorporate all Final TMDLs into its current Water Quality Management Plan (WQMP). The State is also required to ensure consistency with the WQMP requirements approved by EPA under Section 208(b) of the Clean Water Act (CWA), as cited under LAC 33.IX.2707.D.6. Since the requirements established in the TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for selected subsegments in the Terrebonne Basin (effective April 19, 2007) and in the Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008) are water quality-based effluent limitations that are part of the current Louisiana Water Quality Management Plan-Volume 8 (January 26, 2009), the TMDL waste load allocations must be added to the permit.

6. CHANGES FROM PREVIOUS PERMIT

The Agency Interest (AI) number is changed from "7002" to "43634".

Facility type is changed from "open top storage vessel fabrication facility" to "storage vessel manufacturing facility".

The Complexity Type is changed from "II" to "I" (based on the Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 or 3732).

Facility name is changed from "Port Allen Barge Plant" to "Plant No. 48".

Drinking water supply is added as a Designated Use of the Receiving Waters

Outfall 001

Treated sanitary wastewater outfall is deleted.

Outfall 002

BOD₅, Fecal Coliform, and TSS Monthly Average Discharge Limitations are added, per the updated Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD, and similar discharges.

"Weekly Average Discharge Limitations" are changed to "Daily Maximum Discharge Limitations", in accordance with current practices regarding treated sanitary wastewater discharges in industrial individual permits.

In accordance with the Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008), daily maximum discharge limitations of 15.0 mg/L Ammonia-Nitrogen and 7.5 mg/L Total Organic Nitrogen are added to this outfall. The measurement frequency for these two parameters will be the same as the other parameters, currently once every six months, based on the current permit.

Outfall 003

"Weekly Average Discharge Limitations" are changed to "Daily Maximum Discharge Limitations", in accordance with current practices regarding treated sanitary wastewater discharges in industrial individual permits.

In accordance with the Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008), daily maximum discharge limitations of 15.0 mg/L Ammonia-Nitrogen and 7.5 mg/L Total Organic Nitrogen are added to this outfall. The measurement frequency for these two parameters will be the same as the other parameters, currently once every quarter, based on the current permit.

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"Washwater" is no longer included in the Discharge Type, for the facility no longer discharges washwater.

7. COMPLIANCE HISTORY/COMMENTS

A compliance history/DMR review was done covering the period of January 7, 2007 to January 7, 2010.

1. Compliance History - There is one known open water enforcement action as of January 7, 2010. A Warning Letter, Enforcement Tracking No. WE-L-08-0144, was sent to the facility on February 12, 2008. The warning letter explained that the October 11, 2007 water inspection report noted areas concern, and the Enforcement Division was determining what further actions they will take. The Enforcement Division received a letter on March 25, 2008 from Trinity Marine Products, Inc. in response to this Warning Letter. This response letter explained that the permittee employees a full-time Environmental Manager whom is in charge of the on-site sewer treatment plants, and has a Wastewater Treatment 1 Operator certificate. Also, this response letter stated that the permittee hired a third party contractor to perform operational repairs, maintenance, and cleaning of the on-site sewer treatment plants.
2. DMR Review / Excursions -

Dates	Parameter	Outfall	Reported Value	Permit Limits
01/01/07 to 03/31/07	BOD	003	211 mg/L	45 mg/L
02/01/07 to 02/28/07	TSS	004	225 mg/L	45 mg/L
03/01/07 to 03/31/07	TSS	004	92.5 mg/L	45 mg/L
07/01/09 to 09/30/09	BOD	003	78.6 mg/L	45 mg/L

Referred to LDEQ Enforcement on January 13, 2010.

3. Inspections – The last known water permit inspection was performed on October 11, 2007. One Area Of Concern (AOC) noted was the basis for a Referral from LDEQ Surveillance to LDEQ Enforcement on October 30, 2007. The AOC noted that a DMR review covering the period from the fourth quarter of 1999 to June 2007 (prior to this inspection) found 5 BOD, 24 TSS, 7 Fecal Coliform, and 5 pH excursions.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrated two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities, and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

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8. EXISTING EFFLUENT LIMITS

Outfall 001: treated sanitary wastewater from the administrative building

Effluent Characteristic	Monthly Average	Weekly Average	Frequency
Flow – GPD	Report	Report	1/6 months
BOD5	---	45 mg/L	1/6 months
TSS	---	45 mg/L	1/6 months
Fecal Coliform	---	400 colonies/ 100 mL	1/6 months
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/6 months

Outfall 002: treated sanitary wastewater from the machine shop

Effluent Characteristic	Monthly Average	Weekly Average	Frequency
Flow – GPD	Report	Report	1/6 months
BOD5	---	45 mg/L	1/6 months
TSS	---	45 mg/L	1/6 months
Fecal Coliform	---	400 colonies/ 100 mL	1/6 months
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/6 months

Outfall 003: treated sanitary wastewater from the construction area, air compressor condensate, and washwater

Effluent Characteristic	Monthly Average	Weekly Average	Frequency
Flow – GPD	Report	Report	1/quarter
BOD5	30 mg/L	45 mg/L	1/quarter
TSS	30 mg/L	45 mg/L	1/quarter
Fecal Coliform	200 colonies/ 100 mL	400 colonies/ 100 mL	1/quarter
Oil and Grease	---	15 mg/L Daily Maximum	1/quarter
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/quarter

Outfall 004: cutting torch curtain and cooling water

Effluent Characteristic	Monthly Average	Daily Maximum	Frequency
Flow – GPD	Report	Report	1/month
TSS	---	45 mg/L	1/month
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/month

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9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 120109 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 5, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Trinity Marine Products, Inc.

- Outfall 002:** the intermittent discharge of treated sanitary wastewater from the north machine shop / training center

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report-GPD	Report-GPD	LAC 33:IX.2707.1.1.b
Ammonia - Nitrogen		15.0	TMDL ¹
Total Organic Nitrogen		7.5	TMDL ¹
BOD ₅	30	45	TMDL ¹ ; LAG530000
TSS	30	45	BPJ; LAG530000
Fecal Coliform colonies/100mL	200	400	TMDL ² ; LAG530000
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

BPJ Best Professional Judgment

Treatment: mechanical; clarification; chlorination

Monitoring Frequency: 1/6 months for all parameters, monitored at the point of discharge from the sewer treatment plant, located at the north end of the slip, prior to mixing with other waters.

Limits Justification:

TMDL¹ - Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008);

TMDL² - TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for selected subsegments in the Terrebonne Basin (effective April 19, 2007);

BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5,000 GPD and similar discharges. The statistical basis for flow, BOD₅, TSS, and fecal coliform has been established as daily maximum discharge limitations instead of weekly average discharge limitations. This is consistent with current guidance for sanitary discharges at industrial facilities.

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2. **Outfall 003:** the intermittent discharge of treated sanitary wastewater from the machine shop / construction area, and air compressor condensate

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report-GPD	Report-GPD	LAC 33:IX.2707.1.1.b
Ammonia - Nitrogen		15.0	TMDL ¹
Total Organic Nitrogen		7.5	TMDL ¹
BOD ₅	30	45	TMDL ¹ ; LAG530000
TSS	30	45	BPJ; LAG530000
Fecal Coliform colonies/100mL	200	400	TMDL ² ; LAG530000
Oil and Grease		15	BPJ
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

BPJ Best Professional Judgment

Treatment: mechanical; clarification; chlorination

Monitoring Frequency: 1/quarter for all parameters, monitored at the point of discharge from the sewer treatment plant, located at the south end of the property, prior to mixing with other waters.

Limits Justification:

TMDL¹ - Final TMDLs for Dissolved Oxygen and Nutrients in selected subsegments in the Upper Terrebonne Basin (effective April 2, 2008);

TMDL² - TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for selected subsegments in the Terrebonne Basin (effective April 19, 2007);

BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5,000 GPD and similar discharges. The statistical basis for flow, BOD₅, TSS, and fecal coliform has been established as daily maximum discharge limitations instead of weekly average discharge limitations. This is consistent with current guidance for sanitary discharges at industrial facilities.

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3. **Outfall 004:** the intermittent discharge of cutting torch curtain and cooling water

Pollutant	Limitation		Reference
	Monthly Avg.	Daily Max	
	mg/L		
Flow	Report-GPD	Report-GPD	LAC 33:IX.2707.I.1.b
TSS		45	BPJ
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: 1/month for all parameters, monitored at the point of discharge from the north end of the pre-fabrication shop, located at the south end of the slip, prior to mixing with other waters.

Limits Justification:

BPJ; similar discharges; previous permit.